

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:07-cr-0064-SEB-DKL
)	
LAWRENCE BROOKINS,)	
)	- 01
Defendant.)	

REPORT AND RECOMMENDATION

On July 27 and August 1, 2017, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on June 27, 2017. Defendant Brookins appeared in person with his appointed counsel Michael Donahoe. The government appeared by Michelle Brady, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brent Witter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Brookins of his rights and provided him with a copy of the petition. Defendant Brookins orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Brookins admitted violations 1, 2, and
3. [Docket No. 177.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On June 23, 2016, the offender submitted a urinalysis, which tested positive for cocaine. The offender denied use. On July 4, 2016, the urine sample was confirmed positive for cocaine by Alere Laboratory.

On May 22, 2017; June 8, 2017; and June 17, 2017, the offender submitted urinalyses, which tested positive for cocaine. He admits to the unlawful use and possession of cocaine.

- 2 **“The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.”**

The offender admitted to purchasing cocaine from Tyrone Fields.

- 3 **“The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.”**

In or about December 2016, the offender lost his job with Enterprise Rent-A-Car. The offender failed to notify his probation officer of the change in employment and is currently unemployed.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

5. The parties jointly recommended a modification of Defendant Brookins’

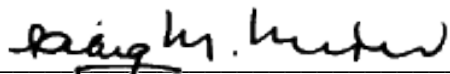
conditions of supervised release to include residing at a residential reentry center for four (4) months and participation in the Moral Reconciliation Therapy.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be modified as follows to include:

1. You shall participate in a cognitive behavioral program, such as Moral Reconation Therapy (MRT), at the direction of the probation officer and abide by the rules of the program.”
2. You shall reside in a residential reentry center for a term of 120 days. You shall abide by the rules and regulations of the facility.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 08/02/2017


CRAIG M. MCKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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